

IN RE: JOHNSON & JOHNSON TALCUM  
POWDER PRODUCTS MARKETING,  
SALES PRACTICES AND PRODUCTS  
LIABILITY LITIGATION

***IN EXTREMIS* DEPOSITION  
PROTOCOL**

IT IS ON THIS 23<sup>rd</sup> DAY of January 2017 ORDERED that the process outlined below will be followed in all cases where the Plaintiffs seek to take an “in extremis” deposition:

1. Before any *in extremis* deposition of Plaintiffs may be taken, the following must be provided to defense counsel at least sixty days before the discovery deposition
  - a. A letter from one of Plaintiff's healthcare providers or affidavit from Plaintiff outlining the medical circumstances which necessitate an expedited preservation deposition;
  - b. Any available medical records relevant to Plaintiff's cancer treatment not already supplied to Defendants;
  - c. All records supporting the request for a preservation deposition;
  - d. All additional medical records related to Plaintiff's medical history in Plaintiff's possession, custody or control and not already supplied to Defendants;
  - e. All records in Plaintiff's possession, custody, or control relating to damages claims.

including but not limited to claims for lost wages;

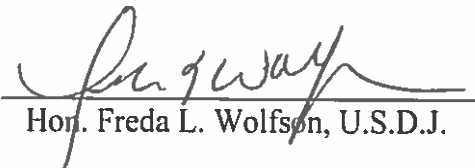
f. An executed copy of a substantially completed and responsive Plaintiffs' Fact Sheet (PFS); and

g. Executed records authorizations and documents required by the PFS.

2. No sooner than sixty days after compliance with paragraph 1 of this Order, the parties will work to set deposition dates convenient for both sides. It is recognized, however, by all parties that the medical condition of the Plaintiff may warrant a more expedited schedule. In those instances, the parties shall agree on a mutually convenient date as soon as possible after such notice.

3. Defendants are entitled to take a discovery deposition of the Plaintiff before a trial preservation deposition is taken. The discovery deposition must occur at least 24 hours but no more than 72 hours prior to the *in extremis* deposition, which is limited to five (5) hours on the record without prejudice. The *extremis* deposition shall be limited to five (5) hours on the record without prejudice, unless the Plaintiff cannot physically proceed, with the time for direct and cross examination to be split by the parties 50/50.

4. In the event there is a case in which it is not feasible for Plaintiffs' counsel to meet the conditions set forth in paragraph 1 sixty days prior to the taking of an *in extremis* deposition, Plaintiffs' counsel shall consult with Defendants and, if necessary, the Court, prior to proceeding with the deposition.

  
Hon. Freda L. Wolfson, U.S.D.J.